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10/059,382	01/31/2002	Dennis J. O'Rear	005950-747	7472
7590 08/26/2003			Š	
E. Joseph Gess BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O Box 1404 Alexandria, VA 22313-1404			EXAMINER	
			NGUYEN, TAM M	
			, DT LIVE	
			ART UNIT	PAPER NUMBER
			1764	
			DATE MAILED: 08/26/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

	•	Application No.	Applicant(s)			
Tam M. Nguyen 1764		10/059,381	O'REAR ET AL.			
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Exherisors the mary be kindled with the procession of 3° CPR 1 stoll, in no event, however, may a realy be bringly fixed to the property of the mary be provided above is less than storty (30) days, an expension of the provided of the provided with the procession of the provided with the procession of 3° CPR 1 stoll, in no event, however, may a realy be bringly fixed in the provided of the provided of the provided with the provided of the provided of the provided of the provided with the provided of the provided provi	Office Action Summary	Examiner	Art Unit			
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received. 2 Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1 Notice of Paferences Cited (PTO-982) 3 Information Disclosure Statement(s) (PTO-143) Paper No(s)	A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a rep - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	136(a) In no event, however, may a reply be to ly within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from e. cause the application to become ABANDON	timely filed ays will be considered timely m the mailing date of this communication. IED (35 U.S.C. § 133).			
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1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	,	* *				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	Attachment(s)					
	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informa				
	U.S. Patent and Trademark Office PTOL-326 (Rev. 04-01) Office A	action Summary	Part of Paper No. 5			

Application/Control Number: 10/059,381

Art Unit: 1764

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11, 13-21 and 24-40, drawn to a process for upgrading a Fischer-Tropsch naphtha, classified in class 208, subclass 133+.
- II. Claims 12, 22, 23, and 41-43, drawn to a composition, classified in class 208, subclass 14+.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process such as a hydrocracking process or by a process wherein the hydrocarbon feedstock is not a Fischer-Tropsch naphtha.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

Art Unit: 1764

A telephone call was made to Mr. Martin Bruehs on August 6, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam M. Nguyen whose telephone number is (703) 305-7715. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 703-308-6824. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Tam M. Nguyen Examiner Art Unit 1764

TN

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